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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,602	03/29/2004	Brian N. Tufte	1076.1104101	2814
7590	01/26/2006		EXAMINER	ALAVI, ALI
Brian N. Tufte Crompton, Seager & Tufte Ste. 800 1221 Nicollet Avenue Minneapolis, MN 55403			ART UNIT	PAPER NUMBER
			2875	
DATE MAILED: 01/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

(10)

Office Action Summary	Application No.	Applicant(s)	
	10/811,602	TUFTE, BRIAN N.	
	Examiner Ali Alavi	Art Unit 2875	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 16-20 is/are allowed.
- 6) Claim(s) 1,2,5-15 and 21-33 is/are rejected.
- 7) Claim(s) 3 and 4 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5-6, 10, 11, 13, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang (US Pat. No 6,461,028).

Regarding independent claims 1, 5, 10, and 32, the applicant is advised that claims have been given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974), Huang discloses an elongated bumper (1, fig. 2), having an elongated bumper member (1, fig. 2) having a lumen extending lengthwise (35, fig. 2) therethrough for receiving an elongated light source (2, fig.2) and at least one tab (not numbered, fig. 6) secured to the elongated bumper member for securing the elongated bumper member to a mounting surface (vehicle).

Regarding claim 2, Huang further discloses wherein the at least one tab has a major surface that extends substantially parallel to an expected mounting surface (fig. 6).

Regarding claim 6, Huang further discloses that the light source is active light source (LED, 20).

Regarding claims 11, and 13, Huang further discloses that elongated bumper member includes a transparent material that extends from at least part of the cavity to an outer surface of the elongated bumper member (12, fig. 4).

Claims 1, 5-15, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Tufte (US Pat. No 6,371,634).

Regarding independent claims 1, 5, 10, and 32, the applicant is advised that claims have been given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974), Tufte discloses an elongated bumper (70, fig. 6), having an elongated bumper member (70, fig. 6) having a lumen extending lengthwise (66, fig. 6) therethrough for receiving an elongated light source (68, fig. 6, col. 4, lines 43-64) and at least one tab secured to the elongated bumper member for securing the elongated bumper member to a mounting surface (72, fig. 6).

Regarding claims 6-9, Tufte further discloses that the light source is active (88, col. 5, lines 52-65).

Regarding claims 11-15, Tufte further teaches that the elongated plug is non-transparent (130, fig. 8, col. 6, lines 29-43).

Regarding claim 33, Tufte further discloses that the plug includes a hole extending at least partially therethrough, wherein the hole is adapted to receive an elongated light source and hold the elongated light source at a position relative to the elongated bumper (fig. 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tufte (US Pat. No 6,371,634).

Regarding independent claims 21-31, the applicant is advised that claims have been given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974), Tufte discloses an elongated bumper (70, fig. 6), having an elongated bumper member (70, fig. 6) having a lumen extending lengthwise (66, fig. 6) therethrough for receiving an elongated light source (68, fig. 6, col. 4, lines 43-64) and at least one tab secured to the elongated bumper member for securing the elongated bumper member to a mounting surface (72, fig. 6).

Tufte discloses the claimed invention except for the proportional relationship between the inner dimensions and outer dimensions. It would have been an obvious

matter of design choice to modify the size of the elongated light source including the changing of the outer and inner dimensions of the lumen for desired application, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re rose*, 105 USPQ 237 (CCPA 1955).

Allowable Subject Matter

Claims 16-20 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record failed to teach or suggest a kit for joining a first bumper member to a second bumper member, wherein the first bumper member and the second bumper member each include a lumen for receiving an elongated light source, the kit comprising: a tube having a lumen, the tube adapted to be inserted into the lumen of the first bumper member and into the lumen of the second bumper member, and further adapted to allow the elongated light source to pass through the lumen of the tube from the first bumper member to the second bumper member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 is objected to because in part recites "...

at least two tabs, wherein one of the tabs has a major surface that extends substantially perpendicular to a major surface of another one of the tabs."

Claim 4 is objected to because in part recites ".one of the tabs has a major surface that extends substantially parallel to a major surface of another one of the tabs."

Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Ali Alavi** whose telephone number is **(571) 272-2365**. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax at (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AA



ALI ALAVI
PRIMARY EXAMINER